IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

WEDNESDAY, THE 17TH OCTOBER 2007 / 25TH ASWINA 1929

WP(C).No. 15390 of 2007(F)

PETITIONER:

SMT.VIJI DIAZ,
M/S.STEEL HOUSE,
1/275,EDAKALATHUR HOUSE,
OPPOSIT ST. MARY'S CHURCH,
AYYANTHOLE,
THRISSUR DISTRICT.

BY ADV. SRI.P.VIJAYA BHANU

RESPONDENTS:

1. **THRISSUR CORPORATION,**
   REPRESENTED BY ITS SECRETARY,
   THRISSUR.

2. **THE HEALTH OFFICER,**
   OFFICER OF THE THRISSUR CORPORATION,
   THRISSUR.

3. **THE REGIONAL JOINT DIRECTOR,**
   URBAN AFFAIRS,
   KOCHI.

4. **THE ENVIRONMENTAL ENGINEER,**
   KERALA STATE POLLUTION CONTROL BOARD,
   DISTRICT OFFICE,
   THRISSUR.

5. **C.A.FRANCIS,**
   CHETTPUZHAKKARAN HOUSE,
   OPPOSITE ST. MARY'S CHURCH,AYYANTHOLE,
   THRISSUR DISTRICT.

BY ADV. SRI.K.B.MOHANDAS,SC,THRISSUR CORPORATION
SMT.K.K.THULASIBAI SC. PCB.
SR. GOVERNMENT PLEADER SRI.K.J.MOHAMMED ANZAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 17/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C) NO.15390/2007

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:- COPY OF THE LICENCE NO.11/06-07 DT. 16.9.06 FOR THE YEAR 06-07 ISSUED BY THE THRISSUR CORPORATION.

EXT.P2:- COPY OF THE LETTER NO.PCB/TSR/COM/07 DT. 22.2.06 OF THE 4TH RESPONDENT.

EXT.P3:- COPY OF THE STATEMENT OF OBJECTIONS DT. 16.3.07 FILED BY THE HUSBAND OF THE PETITIONER IN OP. 1041/06 BEFORE THE HONOURABLE OMBUDSMAN.

EXT.P4:- COPY OF THE NOTICE NO. PH. 3320/06 DT. 10.5.07 OF THE 2ND RESPONDENT.

EXT.P5:- COPY OF THE REPRESENTATION DT. 15.5.07 PREFERRED BY THE PETITIONER BEFORE THE 2ND RESPONDENT.

EXT.P6:- COPY OF THE RECEIPT NO.10332 DT. 15.5.07 EVIDENCING THE RECEIPT OF EXT.P5 REPRESENTATION IN THE OFFICE OF THE THRISSUR CORPORATION.

RESPONDENTS EXHIBITS

EXT.R1:- COPY OF THE ORDER NO.G1-770/07 DT. 30.4.07.

EXT.R5(a):- COPY OF THE STATEMENT FILED BY R1 BEFORE THE HONOURABLE OMBUDSMAN DT. 16.2.07.

EXT.R5(b):- COPY OF THE COMMUNICATION FROM 3RD RESPONDENT TO 1ST RESPONDENT DT. 30.4.07.

EXT.R5(c):- COPY OF THE ORDER OF HONOURABLE OMBUDSMAN IN OP. 1041/06 DT. 11.5.07.

EXT.R5(d):- COPY OF THE LETTER FROM DISTRICT COLLECTOR, THRISSUR TO HUMAN RIGHTS COMMISSION DT. 17.2.06.

/TRUE COPY/

P.A. TO JUDGE

tss

PIUS C. KURIAKOSE, J.

W.P.(C) No. 15390 OF 2007

Dated this the 17th day of October, 2007

JUDGMENT

Ext.P4 stop memo was issued to the petitioner directing immediate stoppage of a cement godown on the only reason that the directions issued by the Pollution Control Board have not been complied with by the petitioner. Ext.P4 is dated 10.05.07. In this court the Senior Environmental Engineer, Thrissur of the Pollution Control Board has filed a report on 01.08.07. It is reported that all the directions which had been issued to the petitioner have been satisfactorily complied with by the petitioner. In the teeth of this report, Ext.P4 cannot sustain. But the learned counsel for the 5th respondent submits that the cement godown will continue to generate pollution. It is difficult to accept the above stand of the 5th respondent in the teeth of the Pollution Control Board's report. However, I permit the 5th respondent to approach a competent Civil Court for redressal of genuine grievance, if any, against the running of the cement godown. Accordingly, the Writ Petition will stand disposed of quashing Ext.P4, granting the above permission.

PIUS C. KURIAKOSE, JUDGE

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